

MINUTES
OF THE
OCTOBER 18, 2018 REGULAR MEETING



OF THE
OKLAHOMA WORKERS' COMPENSATION COMMISSION

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 13, 2017 at 9:05 a.m., in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

**MINUTES OF THE OCTOBER 18, 2018 REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION COMMISSION**

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2nd floor, Oklahoma City, Oklahoma, on October 18, 2018.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Executive Director Hopper Smith, WCC; Sarah Greenwalt, WCC; Dana Esparza, WCC; Collin Fowler, WCC; Dr. Jay Cannon, WCC; Eric Russell, WCC; and David Oakley, LegisOK.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

1. Approval of Minutes

Chairman Liotta presented the minutes of the September 20, 2018, public meeting for approval.

Motion: Commissioner Tilly moved to approve the minutes of the September 20, 2018, public meeting.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, Commissioner Tilly.

The motion carried.

2. Consent Agenda for Travel Vouchers Currently Outstanding:

Title 85A O.S. § 23 states that any Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act.

The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers. All vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today's meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

Motion: Commissioner Tilly moved to approve all vouchers except the three for which the amount was not visible on the Consent Agenda. Those three vouchers were for Chairman Mark Liotta, Bill Dunn and Dr. William Gillock.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, Commissioner Tilly.

The motion carried.

3. Discussion of Potential Clean-up Amendments to Title 85A

The Commission's Legislative Liaison and other Commissioners discussed potential amendments to Title 85A as well as other legislation affecting the Commission.

Commissioner Russell was recognized, and discussed title 85A clean-up bill. No action was taken on this agenda item.

4. Discussion and Consideration of Current Commission Policies

The Commission discussed and considered the following current Commission policy or policies, and determine if any updates are necessary: (1) WCC-11, Family and Medical Leave Policy.

Sarah Greenwalt was recognized, reported, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to approve the WCC-11, Family and Medical Leave Policy.

Second: Chairman Russell.

Those voting aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

The motion carried.

5. Discussion and Consideration of a Limited Representation Agreement with the Attorney General's Office and the need for a HIPAA Business Associate Agreement

The Commissioners discussed entering into a limited representation agreement with the Attorney General's office for purposes of conducting discovery related to state-wide litigation. The Commissioners also considered whether an accompanying HIPAA Business Associate Agreement would be necessary and/or appropriate.

Sarah Greenwalt was recognized, reported, and responded to questions of the Commissioners.

Motion: Commissioner Russell moved to continue this agenda item to the next business meeting.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

6. Discussion and Consideration of Addendum 2 to Objectstream Contract

The Commissioners discussed amending the Commission's contract with Objectstream, Solicitation 8560000009, to include Addendum 2.

Hopper Smith was recognized, reported, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to continue this agenda item to the next business meeting.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

7. Discussion Regarding the Interpretation of 85A O.S. § 2(42)

The Commissioners discussed implementation of 85A O.S. § 2(42), which defines "State average weekly wage," and its relevant applicability dates.

Eric Russell was recognized, reported, and responded to questions of the Commissioners.

Motion: Commissioner Russell moved to change the applicable date to January 1, 2019.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

8. Possible Executive Session Pursuant to Title 25 O.S., § 307(B)(1) for the purpose of discussing personnel issues:

A. Motion and Vote to enter Executive Session under Title 25 O.S. § 307(B)(1). The Commission will discuss the employment and/or salary of the Executive Director; the employment and/or salary of the General Counsel; and the employment and/or salary of Administrative Law Judge Lawyer.

Motion: Commissioner Tilly moved to enter into Executive Session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

B. Motion and Vote to Reconvene in Open Session

Motion: Commissioner Tilly moved to enter into Executive Session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

MOTIONS FROM EXECUTIVE SESSION

Motion: Commissioner Russell moved to proceed with salary recommendations as discussed in Executive Session.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

9. Announcements

Chairman Liotta announced that the next regularly scheduled business meeting is on November 15, 2018, and that the Commission's next regularly scheduled appeals meeting was on October 19, 2018.

ADJOURNMENT.....Chairman Mark Liotta

Motion: Commissioner Tilly moved adjourn.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried. The meeting adjourned.